

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Cisco Systems, Inc.,
Petitioner

Case IPR2016-_____

U.S. Patent No. 7,835,430

**DECLARATION OF DR. SAYFE KIAEI, UNDER
37 C.F.R. § 1.68 IN SUPPORT OF PETITION FOR
INTER PARTES REVIEW OF U.S. PATENT NO. 7,835,430**

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I, Sayfe Kiaei, do hereby declare as follows:

I. INTRODUCTION

1. I have been retained as an independent expert witness on behalf of Cisco Systems, Inc. (“Cisco”) for the above-captioned Petition for *Inter Partes* Review (“IPR”) of U.S. Patent No. 7,835,430 (“the ’430 patent”). I am being compensated at my usual and customary rate of \$400 per hour for the time I spend in connection with this IPR. My compensation is not affected by the outcome of this IPR.

2. I have been asked to provide my opinions regarding whether claims 1-6 (“the Challenged Claims”) of the ’430 patent are invalid as they would have been obvious to a person having ordinary skill in the art (“POSITA”) at the time of the alleged invention. It is my opinion that all of the limitations of claims 1-6 would have been obvious to a POSITA after reviewing the Milbrandt, Chang, Hwang and ANSI T1.413 references, as discussed further below.

3. The ’430 patent issued on November 16, 2010, from U.S. Patent Appl. No. 12/477,742 (“the ’742 Application”), filed on June 3, 2009. The ’742 Application is a continuation of U.S. Patent Appl. No. 10/619,691 (“the ’691 Application”), filed July 16, 2003, which is a continuation of U.S. Patent Appl. No. 09/755,173, filed on January 8, 2001. The ’430 patent also claims the benefit of

U.S. Provisional Application No. 60/224,308, filed on August 10, 2000, and U.S.
Provisional Application No. 60/174,865, filed on January 7, 2000.¹

4. The face of the '430 patent names David M. Krinsky and Robert Edmund Pizzano, Jr., as the inventors. Further, the face of the '430 patent identifies Aware, Inc. as the assignee of the '430 patent.

5. In preparing this Declaration, I have reviewed:

- a) the '430 patent, Ex. 1001;
- b) the file history of the '430 patent, Ex. 1004;
- c) the file histories of the patent applications to which the '430 patent is related, Ex. 1002-1003 and 1005-1008;
- d) the prior art references discussed below: Ex. 1011 (Milbrandt), Ex. 1012 (Chang), Ex. 1013 (Hwang), and Ex. 1014 (ANSI T1.413); and
- e) selected portions of these references, as discussed below:
 - Charles K. Summers, *ADSL Standards, Implementation, and Architecture* (CRC Press 1999) (“Summers”),

¹ Although it does not appear that the '430 patent claims are entitled to the provisional date of January 7, 2000, this declaration presents prior art and analysis which demonstrates that the Challenged Claims would have been obvious even as of the provisional date.

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